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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,086	05/04/2001	Peter Stamm	32221-170976	8366

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EXAMINER

HANEY, MATTHEW J

ART UNIT PAPER NUMBER

2613

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,086

Applicant(s)

STAMM, PETER

Examiner

Matthew Haney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/18/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-3 is/are pending in the application.
- 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) ☐ Claim(s) is/are allowed.
- 6) ☒ Claim(s) 2-3 is/are rejected.
- 7) ☐ Claim(s) is/are objected to.
- 8) ☐ Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date .
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

This action is in response to the amendment filed by the applicant.

Response to Arguments

1. Applicant's arguments with respect to claims 2-3 have been considered but are moot in view of the new ground(s) of rejection. Specifically applicant added the autofocus to claim 2 and changed "consistent" to constant in claim 2.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micaletti (US 6,122,001) in view of Koyama (US 5,068,767) and in further view of Kikuchi (US 5,212,598). Micaletti teaches of a camera aligned perpendicular to the parcel surface to be recorded, where camera is a CCD sensor (Column 3, Lines 1-15), at least one sensor upstream of the camera, said at least one sensor for measuring the height (i.e. vertical profile) of the parcel to be recorded (Column 3, Lines 16-23), a control device for generating adjustment signals for the camera in dependence on the measured parcel height (Column 3, Lines 56-67 and Column 4, Lines 1-17), zoom

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adjustment drive comprising a linear motor to adjust the zoom adjustment lens (Note: the use of a linear motor is implied within Micaletti, Column 4, Lines 6-12, the dependence of the linear motion of the travel speed of the packet would require the use of the linear motor). Micaletti does not teach of at least two lighting devices arranged crosswise in the conveying direction to beam light onto the parcel surface at an angle to ensure that the parcel surface to be recorded is illuminated uniformly and without shadows (i.e. shadowless lighting device), however, Koyama does (Note: the invention in Koyama also adds the needed requirement of automatic focusing capability of the lighting system which is the same as that used in Micaletti, Column 4, Lines 28-59 and Figure 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the automatic focusing shadowless lighting device to the invention disclosed in Micaletti in order to ensure that the surface being imaged would be able to be seen without distortion from shadows. Micaletti does not explicitly teach of a zoom lens, wherein the camera further includes a zoom adjustment lens actuated by the control device to maintain a constant picture scale independent of variances in the measured heights of the parcels, however, Zheng does (Column 2, Lines 29-57). It would have been obvious to one of ordinary skill at the time of the invention to use the zoom adjustment that keeps the scale of object size to image size constant so that when the dimensions of the package change the zoom can adjust the image so that the barcode or address will be the same size within the picture, making it easily readable (also explained in Zheng).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

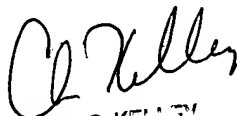
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Haney whose telephone number is (571) 272-7330. The examiner can normally be reached on M-Th (5:30-3:00), Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Haney
Examiner
Art Unit 2613

mjh


MATTHEW HANEY
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